

**RWE Renewables UK Dogger Bank
South (West) Limited**

**RWE Renewables UK Dogger Bank
South (East) Limited**

**Dogger Bank South Offshore
Wind Farms**

**Responses to Supplementary Agenda Items ISH1
Submission at previous Draft Deadline 1**

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Glossary

Term	Definition
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Dogger Bank South (East) Limited	RWE Renewables UK Dogger Bank South (East) Limited (DBSEL), company number 13656240, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB.
Dogger Bank South (West) Limited	RWE Renewables UK Dogger Bank South (West) Limited (DBSWL), company number 13656525, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Directive and EIA Regulations, including the publication of an Environmental Statement (ES)
Environmental Statement	A document reporting the findings of the EIA and produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations.
Landfall Zone	The generic term applied to the entire landfall area between Mean Low Water Spring (MLWS) and the Transition Joint Bays (TJBs) inclusive of all construction works, including the landfall compounds, Onshore Export Cable Corridor and intertidal working area including the Offshore Export Cables.
Offshore Export Cable Corridor	This is the area which will contain the Offshore Export Cables (and potentially the ESP) between the Offshore Converter Platforms and Transition Joint Bays at the landfall.

Term	Definition
Offshore Export Cables	The cables which would bring electricity from the offshore platforms to the Transition Joint Bays (TJBs).
Onshore Converter Stations	A compound containing electrical equipment required to transform HVDC and stabilise electricity generated by the Projects so that it can be connected to the electricity transmission network as HVAC. There will be one Onshore Converter Station for each Project.
Onshore Development Area	The Onshore Development Area for ES is the boundary within which all onshore infrastructure required for the Projects would be located including Landfall Zone, Onshore Export Cable Corridor, accesses, Temporary Construction Compounds and Onshore Converter Stations.
Onshore Export Cable Corridor	This is the area which includes cable trenches, haul roads, spoil storage areas, and limits of deviation for micro-siting. For assessment purposes, the cable corridor does not include the Onshore Converter Stations, Transition Joint Bays or temporary access routes; but includes Temporary Construction Compounds (purely for the cable route).
Onshore Substation Zone	Parcel of land within the Onshore Development Area where the Onshore Converter Station infrastructure (including the haul roads, Temporary Construction Compounds and associated cable routeing) would be located.
Order limits	The limits within which the Projects may be carried out
Special Area of Conservation (SAC)	Strictly protected sites designated pursuant to Article 3 of the Habitats Directive (via the Habitats Regulations) for habitats listed on Annex I and species listed on Annex II of the Directive
Temporary Construction Compounds	An area set aside to facilitate construction of the Projects. These will be located adjacent to the Onshore Export Cable Corridor and within the

Term	Definition
	Onshore Substation Zone, with access to the highway
The Applicants	RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited as the owners of DBS West and DBS East respectively.
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South offshore wind farms).

Acronyms

Acronym	Definition
DBS	Dogger Bank South
DBSEL	RWE Renewables UK Dogger Bank South (East) Limited
DBSWL	RWE Renewables UK Dogger Bank South (West) Limited
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
EPS	European Protected Species
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ExA	Examining Authority
ISH	Issue Specific Hearing
HAT	Highest Astronomical Tide
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
IDB	Internal Drainage Board
LAT	Lowest Astronomical Tide
LLFA	Lead Local Flood Authority
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
MMO	Marine Management Organisation
MSL	Mean Sea Level

Acronym	Definition
OFW	Offshore Wind Farm
SAC	Special Area of Conservation
SNCB	Statutory Nature Conservation Body
TJB	Transitional Joint Bay
WSI	Written Scheme of Investigation

1 Introduction

1.1 Purpose of this document

1. As set out in the agenda for the Issue Specific hearing (ISH₁) which was to be held on 23 October 2024, and in preparation for ISH₁, the Examining Authority (ExA) provided a number of questions relating to the draft Development Consent Order (DCO) that required clarifications and/or the submission of additional information/evidence. The questions provided were based on the draft DCO volume 3 dated June 2024 [APP-027].
 1. The Applicants have responded to each of the ExA’s questions below.

Number	Subject	Response by	Question/clarification	Applicants’ response
GENERAL				
ISH1.G.01	Drafting	Applicants	The preamble as drafted currently refers to a panel. The application is being considered by an Examining Authority. All references to panel need to be replaced with Examining Authority.	The Applicants note that the use of the current wording referring to a Panel is preceded in recent DCOs (e.g. the Sheringham Shoal and Dudgeon Extensions DCO) but is content to amend this to refer to an ExA. The Applicants will update the Draft DCO [APP-027] accordingly.

Number	Subject	Response by	Question/clarification	Applicants' response
ISH1.G.02	Drafting	Applicants	<p>Special Category Land</p> <p>Paragraph 5 of the preamble to the draft DCO refers to 'special category'. As the only Special Category Open Land is open space please delete 'special category land' and replace with 'open space' and delete 'comprised' as this is superfluous drafting.</p>	<p>The Applicants will amend this wording as suggested. The Applicants will update the Draft DCO [APP-027] accordingly.</p>
ISH1.G.03	Drafting	Applicants	<p>Substantial change</p> <p>Paragraph 6 of the preamble to the draft DCO as drafted would allow the Secretary of State to accept modifications which in the opinion of the Secretary of State "Do not make any substantial changes to the proposals comprised in the application". Please explain the use of this drafting as opposed to the traditional drafting of 'not materially different' and if the current drafting is retained would 'substantial change' need to be defined?</p>	<p>The "substantial changes" wording in the recital is used in a number of DCOs, including most recently the Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 2024, the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024, the M3 Junction 9 Development Consent Order 2024, and the HyNet Carbon Dioxide Pipeline Order 2024. Those DCOs do not include a definition</p>

Number	Subject	Response by	Question/clarification	Applicants' response
				of "substantial change", and the Applicants do not consider one is required to be added to the Draft DCO [APP-027].
ISH1.G.04	Clarification	Applicants	<p>Exercise of powers</p> <p>Paragraph seven of the preamble to the draft DCO refers to sections [114, 115, 120(a), 123, 140 and 149A] of the 2008 Act. Should it also include reference to section 122 (Purpose for which compulsory acquisition may be authorised)?</p>	Yes. The Applicants will update this drafting in the Draft DCO [APP-027].
ISH1.G.05	clarification	Applicants	<p>Consistency in referring to sections or parts of Acts within Parts 2 to 7</p> <p>Currently there is no consistency when referring to sections of Acts in the draft DCO. Sometimes the section is referred to in full e.g. Article 6 (b) refers to Section 23 (prohibition of obstructions etc in watercourses). However, in other</p>	The Applicants will review the drafting and ensure a consistent approach is adopted in the Draft DCO [APP-027].

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>sections of the draft DCO the reference just refers to the section numerically e.g. Article 5(8)(a) refers to Section 6 of the 1989 Act. For precision, please review and amend so that the approach is consistent.</p>	
ARTICLES				
ISH1.A.01	Drafting	Applicants	<p>Article 2 - certification of plans and documents</p> <p>Article 2 provides interpretation for a number of documents which would be certified by the Secretary of State under Article 42 and referenced in Schedule 19.</p> <p>In some of these the drafting is "means the plans as certified as the ... by the Secretary of State under article 42" and in others the drafting is "means plans as certified as the ... by the Secretary of State under article 42 (certification of plans and documents etc.)".</p>	<p>The Applicants will review the drafting in the Draft DCO [APP-027] and ensure a consistent approach is adopted using the wording suggested by the ExA.</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			For precision and consistency, can the drafting be reviewed and amended to "means the plans certified by the Secretary of State as the ... for the purposes of this Order under Article 42 and referenced in Schedule 19 ".	
ISH1.A.02	Drafting	Applicants	<p>Article 2 - authorised project</p> <p>For clarity and precision should the definition be amended as follows:</p> <p>"authorised project" means the authorised development and ancillary works authorised by this Order. If not, why not?</p>	The Applicants will make the suggested amendment in the Draft DCO [APP-027].
ISH1.A.03	Clarification and Drafting	Applicants	<p>Article 2 - array cable</p> <p>Article 2 includes a standalone definition for array cable but also includes a general definition for cable.</p> <p>Why does array cable need to be separately defined?</p>	The authorised project includes the use of array cables, offshore export cables, and inter-platform cables. The requirements in Part 1 of Schedule 2, and the conditions in Part 2 of Deemed Marine Licences 1 to 5 include restrictions

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>Could the definition for cable be amended to include the array cable?</p> <p>If a separate definition is necessary for the array cable, are there any other types of cabling that would also need to be defined?</p>	<p>relating to each different type of cable.</p> <p>While the meaning of export cables is well understood, "array cables" and "inter-platform cables" have been defined in the Draft DCO and DMLs [APP-027] to ensure it is clear which types of cables are subject to the restrictions set out in the relevant requirements and conditions.</p>
ISH1.A.04	Clarification	Applicants	<p>Article 2 - cable</p> <p>The definition of cable is very wide and more detailed than the definition used on other Offshore Wind Farm (OWF) Orders (e.g. Hornsea 4, Sheringham and Dudgeon), please explain why this is necessary for this Proposed Development.</p>	<p>The definition of cable aligns with the definition in the Awel y Môr Offshore Wind Farm Order 2023, the East Anglia One North Offshore Wind Farm Order 2022 and the East Anglia Two Offshore Wind Farm Order 2022. It also aligns with the definition in the proposed Five Estuaries</p>

Number	Subject	Response by	Question/clarification	Applicants' response
				<p>Offshore Wind Farm Order 202[].</p> <p>It is considered this is necessary to make clear that works for the installation of cables includes the installation of fibre optic and communication cables, as set out in the ES Chapter 5 Project Description [APP-071].</p>
ISH1.A.05	Clarification	Applicants	<p>Article 2 - cable crossing</p> <p>The definition of cable crossing includes reference to "physical protection measures including rock placement or other cable protection". Given cable protection is defined within this article and that definition includes a reference to cable protection, for precision should "physical protection measures including rock placement or other cable protection" be replaced with</p>	<p>Yes. The Applicants will update the Draft DCO [APP-027] as suggested.</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			"cable protection"? If not, why not?	
ISH1.A.06	Clarification	Applicants	<p>Article 2 - addresses for organisations</p> <p>In the interpretations, certain definitions for organisations (e.g. National Highways and the Defence Infrastructure Organisation) include the full postal address, but for others (e.g. the Environment Agency, Maritime and Coastguard Agency, Marine Management Organisation, Natural England and statutory historic bodies) no address details are provided. However, these details are provided in the draft deemed marine licences (DMLs) contained in paragraph (1)(4) in Schedules 10-14. For consistency should address details be provided for all organisations who are defined and if not, why not?</p>	The Applicants will review the drafting and ensure a consistent approach is adopted and that full addresses are given for all organisations in the Draft DCO [APP-027].
ISH1.A.07	Drafting	Applicants	Article 2 - maintain	As drafted, the definition of "maintain" specifically

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>As currently drafted, the definition would only allow the removal, reconstruction or replacement of foundations; does "and buildings" need to be added? As currently drafted 'maintenance' must be construed accordingly. To allow greater flexibility should this be replaced with "and any derivation of maintain must be construed accordingly"?</p>	<p>excludes the removal, reconstruction or replacement of foundations, rather than allowing it.</p> <p>The Applicants will update the definition to include the wording "and any derivation of maintain must be construed accordingly" suggested by the ExA.</p>
ISH1.A.08	Drafting	Applicants	<p>Article 2 - offshore platforms</p> <p>A number of the offshore platform definitions include reference to a helicopter platform. Helicopter platforms normally require bird deterrents in order to operate safely. Where a helicopter platform is listed, should the definition be expanded to also refer to bird deterrents? <i>If not, why not?</i></p>	<p>The Applicants do not think it is necessary to include all the different component parts of a helicopter platform within the definition – the detailed design of the offshore platforms will be developed post-consent and will be within the maximum parameters secured by the DCO and DMLs.</p>

Number	Subject	Response by	Question/clarification	Applicants' response
ISH1.A.09	Drafting	Applicants	<p>Article 2 - outline communication and public relations procedure</p> <p>This is an appendix to the outline code of construction practice and therefore would it need to be defined in its own right? In addition, would it need to be defined as it is not referred to anywhere else in the draft DCO?</p>	The Applicants will review the Draft DCO [APP-027] for superfluous definitions and make the relevant updates.
ISH1.A.10	Drafting	Applicants	<p>Article 2 - outline documents to be certified</p> <p>Article 2 includes interpretations for a number of outline documents which only appear in Schedule 1 g as a document that would need to be certified by the Secretary of State. If the document is not referred to in the any of the requirements or conditions of the DMLs, why would it need to be included in the interpretations? Please review and amend as necessary.</p>	The Applicants will review the Draft DCO [APP-027] for superfluous definitions and make the relevant updates.

Number	Subject	Response by	Question/clarification	Applicants' response
ISH1.A.11	Drafting	Applicants	<p>Article 2 - typo</p> <p>The words "under article 42" preface "outline offshore and maintenance plan" – this would appear to be a typo and needs to be deleted.</p>	The Applicants agree that this is a typo and will be corrected in the Draft DCO [APP-027].
ISH1.A.12	Clarification	Applicants	<p>Article 2 - offshore works</p> <p>As drafted, the works would be 1A to 9A and 1B to 10B -why is there a difference between DBS East and DBS West offshore works given that work 10A and 10B would deliver the same work? Should this interpretation be amended to include 10A or to refer to 9B?</p>	This is a typographical error – the definition of “DBS West offshore works” will be amended to refer to 1B to 9B in the Draft DCO [APP-027].
ISH1.A.13	Drafting	Applicants	<p>Article 2 - outline soil management plan</p> <p>This is an appendix to the outline code of construction practice and therefore would it need to be defined in its own right? In addition, would it need to be</p>	The Applicants will review the Draft DCO [APP-027] for superfluous definitions and make the relevant updates.

Number	Subject	Response by	Question/clarification	Applicants' response
			defined as it is not referred to anywhere else in the draft DCO?	
ISH1.A.14	Clarification	Applicants	<p>Article 2 - outline written scheme of investigation (offshore)</p> <p>Why is it necessary to include an interpretation for the outline written scheme of investigation (offshore) in Article 2 when it is also defined in the draft DMLs which include a condition pertaining to it? Please amend as necessary.</p>	The Applicants will review the Draft DCO [APP-027] for superfluous definitions and make the relevant updates.
ISH1.A.15	Clarification	Applicants	<p>Article 2 - relevant highway authority</p> <p>As currently drafted, the only highway authority referred to is East Riding of Yorkshire Council, whereas the Proposed Development would also affect roads where Hull City Council is the highway authority. Please amend the drafting to provide an interpretation for "relevant highway authority" which means East Riding of Yorkshire Council,</p>	The Applicants note that Hull City Council is not the relevant highway authority for any of the road network within the Order limits and that any impacts on the road network within Hull City Council's jurisdiction would be due to construction traffic. For this reason, it is proposed that Hull City Council should not be included in the definition of "relevant

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>or any successor to it as highway authority for the land in question. Please also insert an interpretation for "relevant highway authorities" as meaning East Riding of Yorkshire Council and Hull City Council, or any successor to them as highway authorities for the land in question, or amend the drafting of the current interpretation to include reference to Hull City Council.</p>	<p>highway authority" but the Applicants will update the wording of requirement 14 of the Draft DCO [APP-027] to provide further clarity that Hull City Council will be consulted under that requirement on the aspects of the Construction Traffic Management Plan that relate to their functions. Draft wording for a revised requirement 14 is being consulted upon with Hull City Council and will be included within the next updated Draft DCO [APP-027].</p> <p>The Applicants note that the definition of "relevant highway authority" already refers to successors and so do not propose to further update this definition.</p>

Number	Subject	Response by	Question/clarification	Applicants' response
ISH1.A.16	Drafting	Applicants	<p>Article 2 - missing interpretations</p> <p>The following terms are referred to in the draft DCO, but an interpretation for them is not currently included in Article 2:</p> <p>Horizontal Directional Drilling; bank and public holidays; and working day.</p> <p>For the purpose of clarity and enforceability should they be included in Article 2 and if not, why not?</p>	<p>Yes. The Applicants will add the requested definitions to the Draft DCO [APP-027].</p>
ISH1.A.17	Clarification	Applicants	<p>Article 2- future proofing</p> <p>Other DCO's for OWFs have included the following drafting at the end of Article 2 to futureproof against any subsequent changes in legislation; would it be appropriate to include such drafting in the draft DCO?</p> <p>"any reference to any statute, order, regulation or similar</p>	<p>Yes. The Applicants will add appropriate wording to the Draft DCO [APP-027].</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			instrument is construed as a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any re-enactment"	
ISH1.A.18	Clarification	Applicants	<p>Article 5(3) and 7(b)</p> <p>Paragraph 5(3) as drafted only refers to a transfer to a transferee, should it also include a reference to a transfer to a lessee?</p> <p>If 5(3) is amended, would paragraph 7(b) also need to be amended to refer to lessee?</p> <p>Does paragraph 7(b) need to include the following exemption in relation to the DMLs - "save in the case of deemed marine licences transferred or granted in respect of any breach of an obligation by the undertaker which occurs prior to such transfer or grant or which occurs as a result of any activity carried out by the undertaker on</p>	<p>Article 5(3) does not need to refer to a transfer to a lessee because the ability to grant a lease of the benefit of the Order in Article 5(2)(b) specifically excludes the DMLs. Article 5(3) authorises the transfer of benefit of the DMLs – this cannot be done by way of a lease and so there is no need to refer to a transfer to a lessee.</p> <p>Article 5(7)(b) already includes reference to a lessee and so no amendments are required.</p> <p>The Applicants note that the additional suggested</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			behalf of the transferee"? If not, why not?	wording to Article 5(7)(b) has been included in recently granted DCOs and are content to add this wording to the Draft DCO [APP-027].
ISH1.A.17	Clarification	Applicants	<p>Article 5 (14)</p> <p>As currently drafted, this paragraph would not restrict the transfer of part of the DMLs and refers to the article as a whole, as this paragraph only deals with the transfer of DMLs. Would it be more accurate to refer to paragraph 3, i.e. "Section 72(7) and (8) of the 2009 Act do not apply to a transfer or grant of the whole of the benefit of the provisions of any deemed marine licence to another person by the undertaker pursuant to an agreement under paragraph (3) this article ... "?</p>	For clarity, the Applicants will add wording to this paragraph to make it clear that only the transfer of the whole of any deemed marine licence is authorised under this article.
ISH1.A.18	Clarification	Applicants	Article 6	This article title is used in a number of DCOs, including mostly recently the

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>This article is entitled disapplication and modification of legislative provisions. Other made DCOs refer to application and modification of legislative provisions. Please explain why the term 'disapplication' has been used.</p>	<p>Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 2024, the National Grid (Bramford to Twinstead Reinforcement) Order 2024, and the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.</p> <p>The Applicants consider "disapplication" better describes the function of article 6, which provides that various statutory provisions do not apply to the authorised development. The Applicants do not therefore propose to amend this drafting.</p>
ISH1.A.19	Clarification	Applicants	<p>Article 8 (1)(c)</p> <p>Why is this power needed?</p>	<p>The undertakers need the power to remove or use earth and materials in on or under the streets to lay the cables for the</p>

Number	Subject	Response by	Question/clarification	Applicants' response
				authorised project under the streets.
ISH1.A.20	Clarification	Applicants	<p>Article 9 (1)(b)</p> <p>As drafted, this refers to the temporary stopping up, alteration or diversion of a street by the undertaker under article 10 (temporary stopping up of streets). However, Article 10 refers to the temporary closure of streets; should the drafting be amended as follows, "the temporary closure, alteration or diversion of a street by the undertaker under article 10 (temporary closure of streets)"?</p>	Yes. The Applicants will update this drafting in the Draft DCO [APP-027].
ISH1.A.21	Clarification	Applicants	<p>Article 9 (4)</p> <p>Clarify why this drafting is considered necessary, given it is not included in other made DCO e.g. Hornsea 4.</p>	Sub-paragraph (4) provides that certain provisions of the 1991 Act listed in that sub-paragraph will not apply. The disapplication of these provisions (which are designed primarily to regulate the carrying out of street works by utilities

Number	Subject	Response by	Question/clarification	Applicants' response
				<p>companies in respect of their apparatus) is appropriate given the scale of works proposed under the Draft DCO [APP-027], the specific authorisation given for those works by the Draft DCO and the specific provisions in the Draft DCO which regulate the carrying out of the authorised project.</p> <p>Similar provisions have been included in a number of DCOs, including most recently the National Grid (Bramford to Twinstead Reinforcement) Order 2024, the M3 Junction 9 Development Consent Order 2024, the HyNet Carbon Dioxide Pipeline Order 2024, and the A66 Northern Trans-Pennine Development Consent Order 2024.</p>

Number	Subject	Response by	Question/clarification	Applicants' response
ISH1.A.22	Drafting	Applicants	<p>Article 10 (2)</p> <p>To improve the precision of drafting and for the purposes of enforceability should the following additional wording be included in the drafting and if not, why not, 'Without limiting the paragraph (1), the undertaker may for the purpose of carrying out the authorised development use any street temporarily closed or restricted under the powers conferred by this article as a temporary working site.'?</p>	<p>Article 10(2) refers to "any street temporarily closed or restricted under the powers conferred by this article" – streets can only be temporarily closed or restricted under this article for the purposes of carrying out the authorised project (in accordance with Article 10(1)) and so it is implicit that only streets closed for the purposes of carrying out the authorised development would be used as a temporary working site. However, the Applicants are content to add this wording and will do so in the Draft DCO [APP-027].</p>
ISH1.A.23	Drafting	Applicants	<p>Article 11 (6) and (7)</p> <p>Both these paragraphs make reference to stopping up rather than closure. As the Article relates to the temporary closure of Public</p>	<p>The Applicants will make the suggested amendments to this Article of the Draft DCO [APP-027].</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			Rights of Way please amend as necessary.	
ISH1.A.24	Drafting and clarification	Applicants	<p>Article 12 (2)</p> <ol style="list-style-type: none"> Should this paragraph include reference to the operation of the Proposed Development, e.g. "without limitation on the specific powers conferred by paragraph (1), but subject to paragraph (4), the undertaker may for the purposes of constructing, operating and maintaining the authorised development. .."? This paragraph as currently drafted would enable the undertaker to permanently or temporarily alter the layout of any street "whether or not within the Order limits". This power is very wide, why is this 	<ol style="list-style-type: none"> Yes, the Applicants will amend the Draft DCO [APP-027] to include referring to "operating". and 3. Paragraph (1) permits the undertaker to temporarily alter the layout of the streets listed Part 2 (Streets subject to temporary street works) of Schedule 3 to the DCO, in connection with the carrying out of the authorised project. The article also provides a power to carry out works in any of these streets. Paragraph (2) provides broader powers available for those streets not listed in Schedule 3, subject to the consent of the street authority (whereas alterations to streets listed in Schedule 3 are not

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>necessary and if it is necessary, what is the purpose of paragraph (1) which would appear to seek to limit the extent of the works?</p> <p>Given (2) it is unclear why some of the adjoining roads are then included in the Order limits and specifically mention alterations etc (e.g. Work No 19N B) when this article would allow for the same/ similar changes to be made to other roads which are not within the Order limits.</p>	<p>subject to consent from the street authority). This enables the undertaker to acquire the necessary flexibility to alter streets which, at the date on which the DCO is made, are not listed within Schedule 3.</p> <p>This approach is preceded in the National Grid (Bramford to Twinstead Reinforcement) Order 2024, HyNet Carbon Dioxide Pipeline Order 2024, and the Southampton to London Pipeline Development Consent Order 2020.</p> <p>Article 14 of the Hornsea Four Offshore Wind Farm Order 2023 authorises alterations to "any street", which is similarly wide. The benefit of the Applicants' approach is that, where it is already known that</p>

Number	Subject	Response by	Question/clarification	Applicants' response
				alterations will be required, these streets are specified in Schedule 3.
ISH1.A.25	Clarification	Applicants	<p>Article 15</p> <p>Given the powers provided by the other Articles in Part 3 and Part 5 of the draft DCO, why is this Article necessary? Have you identified any private roads that would need to be used and that would need the additional protections offered by this article that would not be delivered through other Articles (e.g. Temporary Possession) in the draft DCO?</p>	<p>The article authorises the temporary use of private roads within the Order limits by persons or vehicles, for the purposes of, or in connection with, the construction and maintenance of the authorised project, without the need for the undertaker to acquire a permanent right of way over that land.</p> <p>The benefit of this article is that it authorises the use of private roads without requiring the undertaker to take temporary possession of the land, to the exclusion of other users.</p> <p>The Applicants confirm that there are a number of private roads/tracks within</p>

Number	Subject	Response by	Question/clarification	Applicants' response
				the Order limits, as shown on the Streets Plan [APP-018] and as identified by a code of "PRX" in the Environmental Statement Appendix 5-2 - Obstacle Crossing Register [APP-074] and that access over these roads during construction and operation is likely to be required.
ISH1.A.26	Drafting	Applicants	<p>Article 17 (1)</p> <p>To improve the precision of the drafting, should the following wording be inserted in 17(1), "Subject to the provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order limits as the undertaker considers necessary or expedient"?</p>	The Applicants do not think it is necessary to add the word "lying" before "within" in this Article. The Applicants are of the view that the current drafting is sufficiently clear.
ISH1.A.27	Clarification	Applicants	Article 18	The Applicants will update the drafting of this article

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>As currently drafted the Article makes no reference to bore holes, should it? If so, please amend as necessary.</p> <p>Paragraph (7) limits the ability to survey land to only works 8A, 8B, 9A and 9B – the intertidal works, is this correct?</p>	<p>to include reference to boreholes.</p> <p>Sub-paragraph (7) limits the ability to survey to the onshore works, and Work Nos. 8A, 8B, 9A and 9B (i.e. the intertidal works). "Onshore works" is defined in Article 2 as meaning Work Nos. 9A/B to 34A/B. The purpose of this sub-paragraph is to make clear that Article 18 does not authorise offshore surveys.</p>
ISH1.A.28	Clarification	Applicants	<p>Article 19</p> <p>Is this Article necessary? Such an article was not included in the made DCO for Hornsea 4 as the Applicant advised that it was highly unlikely that any human remains would need to be removed. Given the locational similarities between the onshore works for Hornsea 4 and the Proposed Development, why</p>	<p>This article is included on a precautionary basis in case human remains are discovered while carrying out the authorised project.</p> <p>Without this article, authorisation from the appropriate Minister would be required to remove remains. The article sets out a process of</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>would such an article be needed on this draft DCO?</p>	<p>notification of the discovery of remains and for their removal and reinternment or cremation. The removal of any remains is required to be carried out in accordance with any directions which may be given by the Secretary of State.</p> <p>Article 19 generally follows article 17 of the Model Provisions.</p> <p>The Applicants are not aware of any burial locations within the Order limits. The rationale behind this Article is that it should be included where there are no known burial locations, to set out the process to be followed if any unknown burials are discovered. It allows the removal of human remains without the need to apply</p>

Number	Subject	Response by	Question/clarification	Applicants' response
				for an exhumation licence, in order to avoid unnecessary delays to the carrying out of the authorised project. It is considered that this is appropriate, given that the projects are nationally significant.
SCHEDULE 1 – AUTHORISED DEVELOPMENT				
ISH1.S1.01	Clarification	Applicants	<p>Work No 2A/ 2B</p> <p>Work No 2A/ 2B refers to "offshore electrical platforms". Article 2 does not include a definition for offshore electrical platforms, but does include definitions for other offshore elements. Would offshore electrical platform need to be defined and if not, why not?</p>	This is an error – a definition of "offshore electrical platform", meaning the offshore collector platform, offshore converter platform, and/or offshore switching platform" will be added to the Draft DCO [APP-027].
ISH1.S1.02	Clarification	Applicants	<p>Work No 3A (c)</p> <p>This refers to the DBS West Project but is within the "A" works which related to DBS East, is this</p>	The reference to the DBS West Project is correct, as (c) allows the DBS East Project undertaker to

Number	Subject	Response by	Question/clarification	Applicants' response
			correct or does it need to include the words (if required) as appears in (d) and (e)?	install temporary pits to facilitate the installation of cable ducts for the DBS West project. The Applicants will add "(if required)" to the drafting for consistency with (d) and (e).
ISH1.S1.03	Clarification	Applicants	<p>Work No 13A/ 13B</p> <p>Work No 13A/ 13B includes "connection to pre-existing ducts". Please confirm:</p> <ol style="list-style-type: none"> 1. where pre-existing ducts is defined; if it is not defined would it need to be and if not, why not; <p>would this need to be controlled and if so how/ where is this currently secured in the draft DCO?</p>	<ol style="list-style-type: none"> 1. The Applicants will add a definition of "pre-existing ducts" for clarity in the Draft DCO [APP-027]. 2. "Pre-existing ducts" refers to the ducts to be installed at landfall in advance of the cable pulling, TJB and onshore ducting activities. The laying of these ducts at landfall is authorised by Work Nos 3A/B and 8A/B.
SCHEDULE 2 – PART 1 – REQUIREMENTS				

Number	Subject	Response by	Question/clarification	Applicants' response
ISH1.S2.01	Drafting	Applicants	<p>Must not be commenced v may commence</p> <p>The Requirements in the draft DCO do not include consistent drafting where the Proposed Development would be restricted from commencing until details had been submitted and approved, e.g. Requirement 7 uses the drafting "No DBS East Project offshore works may commence until. ... ", whereas Requirement 8 uses the drafting "The DBS East Project onshore works must not be commenced until. ... ". For consistency use one form of drafting and review and amend the Requirements as needed.</p>	<p>The Applicants will review the drafting and ensure a consistent approach is adopted in the Draft DCO [APP-027].</p>
ISH1.S2.02	Drafting	Applicants	<p>Written scheme</p> <p>Where information would be required to be submitted to and approved by the relevant planning authority, you have used the drafting "written scheme" rather than the traditional "submitted to and approved in writing by". As</p>	<p>The wording at Article 48(1) already addresses the concern raised by the ExA and therefore no amendments are proposed. However, the Applicants will amend Article 48 of the Draft</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>drafted, how the relevant planning authority would approve the details is not stipulated. For clarity and enforceability should the traditional drafting be used and if not, why not? Depending on response please review all the requirements and amend drafting as needed.</p> <p>Alternatively, to streamline the drafting and reduce the need for repetition could the following Requirement be inserted rather than amending the Requirements to include "in writing", "Where the approval, agreement or confirmation of the Secretary of State, the relevant planning authority or another person or organisation is required under a requirement, that approval, agreement or confirmation must be given in writing"?</p>	<p>DCO [APP-027] to make it clear that any application or request for approval by the undertakers pursuant to the requirements must be in writing, in addition to the approval itself being in writing.</p>
ISH1.S2.03	Clarification	Applicants	<p>Requirement 2 (1)(d)</p> <p>This Requirement refers to mean sea level as the point from which</p>	<p>Mean Sea Level (MSL) has been used as a datum in the Environmental Statement for the purpose</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>the measurement is taken. Why is mean sea level used rather than lowest astronomical tide (LAT)? If LAT was used would this make a difference to the proposed distance and if so, what would this be?</p>	<p>of considering the minimum lower blade tip clearance and use of this datum will be familiar to key stakeholders. If another datum was used (LAT, HAT or MHWS) then this would result in a change to the proposed distance but the Applicants do not think it is necessary for these differences to be calculated as the approach of using MSL has not been challenged by stakeholders and providing the distance relative to a different datum would not make any difference to the effectiveness of the measure as embedded mitigation. The Applicants note that a variety of different datums have been used across recent offshore wind DCOs and the Applicants are not aware of any reason to</p>

Number	Subject	Response by	Question/clarification	Applicants' response
				favour one approach over another and therefore propose retaining MSL.
ISH1.S2.04	Clarification	Applicants	<p>Requirement 3 (1)</p> <p>The use of "or more" would seem to indicate that both types of foundation could be used, for accuracy should this be replaced with "of either", if not why not?</p> <p>If the purpose of the Requirement is that both foundations could be used, would it be simpler to replace the drafting with "wind turbine generator foundations must be piled monopile or piled jacket foundations."?</p>	The Applicants have included this wording as it is possible that different foundation types may be used within the arrays. The Applicants propose amending the wording to that suggested by the ExA but replacing "or" with "and/or" to make it clear that more than one foundation type may be used.
ISH1.S2.05	Clarification	Applicants	<p>Requirement 5 (2)</p> <p>Reference to Dogger Bank SAC is included within this Requirement. Dogger Bank SAC is not defined in Article 2, should it be included? If not, why not?</p>	Yes. The Applicants will add a definition of "Dogger Bank SAC" to the Draft DCO [APP-027].

Number	Subject	Response by	Question/clarification	Applicants' response
			If it is not included, for accuracy should the drafting be amended to Dogger Bank Special Area of Conservation as has been used in the conditions on the draft DMLs?	
ISH1.S2.06	Clarification	Applicants	<p>Requirement 6</p> <p>Condition 5 (2) of the proposed DMLs would limit the amount of cable protection to 10% of the length of such cables where they fall within Dogger Bank South Special Area of Conservation. Does such a restriction need to be included within this Requirement and if not, why not?</p>	The Applicants submit that the DMLs provide adequate control over the quantity of cable protection within the SAC and there is no need to duplicate this condition in this requirement.
ISH1.S2.07	Clarification	Applicants	<p>Requirement 9 (6) and (7)</p> <p>Why are these included in Requirement 9 rather than being a stand-alone Requirement?</p>	The detailed design of the permanent access road to the converter stations must be approved as part of the detailed design parameters for onshore works; it is therefore logical to include it within this requirement, which

Number	Subject	Response by	Question/clarification	Applicants' response
				deals with detailed design parameters onshore.
ISH1.S2.08	Clarification	Applicants	<p>Requirement 10 (2)</p> <p>10(1) refers to a written landscape management plan but 10(2) then refers to a landscaping scheme. For accuracy should 10(2) refer to a landscaping management plan or landscaping scheme?</p>	The Applicants will review the drafting and ensure a consistent approach is adopted in the Draft DCO [APP-027].
ISH1.S2.09	Clarification	Applicants	<p>Requirement 12 (1)</p> <p>As currently drafted, this would require a written ecological management plan to be in accordance with the outline ecological management plan and the relevant recommendations of appropriate British Standards or Industry Guidance. How would the use of "relevant" and "appropriate" meet the test for drafting to be precise and enforceable?</p>	This wording was included as it is preceded in a number of recent DCOs (e.g. Sheringham Shoal and Dudgeon Extensions and Hornsea Project Four). However, the Applicants will amend the drafting to simply require the detailed ecological management plan to accord with the Outline Ecological Management Plan [APP-235], as the outline plan itself already references the relevant British

Number	Subject	Response by	Question/clarification	Applicants' response
				Standards and Industry Guidance.
ISH1.S2.10	Clarification	Applicants	<p>Requirement 12 (2)</p> <p>Should this include similar drafting to 12(1) that would require the relevant planning authority to consult with Natural England and the Environment Agency? If not, why not?</p>	The Applicants agree and will amend the Draft DCO [APP-027] accordingly to state 12(2) will be approved by the relevant planning authority in consultation with Natural England and (where works have potential to affect wetland habitat) the Environment Agency.
ISH1.S2.11	Drafting	Applicants	<p>Requirement 13 (2)</p> <p>For precision should the drafting be amended as follows, "All permanent fencing, walls and other means of enclosure must be implemented in accordance with the details approved under sub-paragraph (1)"?</p>	The Applicants do not propose to amend the wording of this requirement – it is the fences, walls and other means of enclosure themselves that must be in accordance with the approved details, rather than their implementation.
ISH1.S2.12	Drafting	Applicants	<p>Requirement 15 (1)</p>	Please refer to the response to ISH1.S2.02,

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>Depending on the response to the earlier question regarding submission of information in writing, you may need to amend the drafting to "...must not commence until a written access plan for that access has been submitted to....". This drafting would be consistent with Requirement 16 where a written plan is stipulated. Please amend as required.</p>	<p>which addresses this concern.</p>
ISH1.S2.13	Drafting	Relevant Highway Authorities	<p>Requirement 15 (2)</p> <p>Please review the list contained within Requirement 15(2) and ensure that all the necessary details are listed. If not provide details of what you would wish to see included in the list and why.</p>	<p>No response is required as this question is directed at the relevant highway authorities.</p>
ISH1.S2.14	Drafting	Applicants	<p>Requirement 16 (1) and (2)</p> <p>The drafting of (1) would only require a written plan for drainage during construction for Work Nos. 22A, 22B, 25A or 26A, and 26B.</p>	<p>This Requirement requires the provision of a detailed drainage strategy in relation to the Onshore Substation Zone and Onshore Converter</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>Please explain the reason for not including all other Works Nos which include temporary work that would require drainage provision.</p> <p>The drafting of (2) would only require a written plan for drainage during operation for Work Nos. 22A, 22B, 25A or 26A, and 26B. Please explain your reason for not including all other Works Nos which require permanent drainage provision.</p> <p>Explain why the drafting of both (1) and (2) do not require consultation with the relevant Internal Drainage Board.</p>	<p>Station(s), in accordance with the Outline Drainage Strategy [APP-237], which deals with drainage at the Onshore Substation Zone and Onshore Converter Station(s). In addition the Outline Drainage Strategy [APP-237] also sets out the pre and post-construction land drainage requirements for all works within the onshore Order Limits including the Onshore Export Cable Corridor; paragraph 8 states that ' <i>A detailed pre and post construction land drainage scheme would be developed prior to construction, based on the detailed drainage survey. The drainage scheme would be developed in consultation with landowners, the LLFA at ERYC, the Environment Agency and relevant IDB(s).</i>' Requirement 16 (1)</p>

Number	Subject	Response by	Question/clarification	Applicants' response
				and (2) of the draft DCO [APP-027] will therefore be updated to include all other onshore Work Nos which include temporary work that would require drainage provision.
ISH1.S2.15	Drafting	Applicants	<p>Requirement 16 (1) and (2)</p> <p>If the current wording is to be retained, for clarity and precision should the drafting be amended as follows, "Each of Work Nos. 22A, 22B, 25A or 26A and 26B must not commence until a written plan for drainage during construction/ operation of the relevant work has been submitted to and approved by the relevant planning authority in consultation with the lead local flood authority and the Environment Agency"? As currently drafted, there would be some ambiguity as to whether it would be the Undertaker or the relevant planning authority who</p>	The Applicants agree and will amend the Draft DCO [APP-027] accordingly.

Number	Subject	Response by	Question/clarification	Applicants' response
			would need to undertake the consultation.	
ISH1.S2.16	Drafting	Applicants	<p>Requirement 17 (1) and (2)</p> <p>1. The drafting of both (1) and (2) require the Undertaker to have carried out consultation with the relevant drainage authority and the Environment Agency before the information is submitted for approval. The usual drafting would require the discharging authority to consult with the relevant drainage authority and the Environment Agency as part of the process of discharging the Requirement. Please explain the reason for using the current drafting.</p> <p>2. As drafted, what would require the Undertaker to ensure that the details then submitted reflect/ address any comments/ concerns raised in the pre-submission consultation?</p>	<p>1 – 2. This drafting has been used to align with the Hornsea Four Offshore Wind Farm Order 2023. However, the Applicants are content to amend the drafting of this requirement so that it is the discharging authority that undertakes the required consultation, rather than the undertakers.</p> <p>3. The Applicants agree and will amend the Draft DCO [APP-027] so that the relevant sewerage and drainage authorities are the discharging authority.</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>3. You have identified the lead local flood authority (LLFA) as the discharging authority. As the LLFA tends to deal with matters in relation to surface water rather than foul water, why have they been identified as the discharging authority for this requirement?</p>	
ISH1.S2.17	Drafting	Applicants	<p>Requirement 18 (1)</p> <p>As for Requirement 18, as currently drafted this would require the Undertaker as opposed to the discharging authority to undertake consultation with the relevant statutory historic body.</p> <ol style="list-style-type: none"> 1. Please explain the reason for using the current drafting. 2. Explain how the discharging authority could be confident that the details submitted reflect/address any comments/ concerns raised in the pre-submission consultation. 	<p>1 – 2. The drafting in this requirement follows other recently granted DCOs (such as the Sheringham Shoal and Dudgeon Extension DCO). The Applicants have included wording to reflect that the WSI will be developed in consultation with the statutory historic body, prior to submission to the discharging authority, so that the contents of the WSI are broadly agreed in advance of submission. The Applicants anticipate that the discharging authority would also</p>

Number	Subject	Response by	Question/clarification	Applicants' response
				consult with the statutory historic body and will amend the drafting of this requirement to reflect this. The Applicants will make this change in the Draft DCO [APP-027].
ISH1.S2.18	Clarification	Historic England and Relevant Planning Authority	Requirement 18 (2) Can you confirm that the list of information to be included detailed in 18(2) for each scheme is complete? If not, provide details of what additional information you would wish to see included in the list and why.	No response required as this question is directed at Historic England and the relevant planning authority.
ISH1.S2.19	Clarification	Applicants	Requirement 19 (1) For clarity and precision, should the drafting be amended as follows, "No phase of the onshore works may commence until a code of construction practice (which must accord with the outline code of construction practice) for that	The Applicants will update the drafting of this requirement in the Draft DCO [APP-027].

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>phase has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency, Natural England and the MMO where required”? As currently drafted there would be some ambiguity as to whether it would be the Undertaker or the relevant planning authority who would need to undertake the consultation.</p>	
ISH1.S2.20	Clarification	Applicants	<p>Requirement 19 (4) and (5)</p> <p>1. Why are the details for pre-commencement screening and fencing works included in this requirement rather than being a standalone requirement?</p> <p>2. As currently drafted 19(5) would only require the fencing to be removed. Should it include drafting requiring that once removed the land needs to be restored to its former state? Alternatively, is this covered by</p>	<p>1. Pre-commencement screening and fencing works fall within the definition of “pre-commencement works” in Article 2, and therefore could be carried out ahead of approval of a detailed code of construction practice.</p> <p>The Outline Code of Construction Practice [APP-234] includes provisions relating to screening and fencing</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			Requirement 25 and if so, would (5) be necessary?	<p>security, and the Applicants recognise that it would be beneficial for these provisions to be set out in more detail before pre-commencement screening and fencing works are carried out. This has been included in requirement 19, as it relates to a specific section of the Outline Code of Construction Practice [APP-234].</p> <p>2. The purpose of sub-paragraph (5) is to ensure temporary fencing is removed upon completion of the relevant phase. Restoration of land generally is covered by requirement 25.</p>
ISH1.S2.21	Clarification	Applicants	<p>Requirement 20 (1)</p> <p>As currently drafted, the Requirement only refers to public</p>	As stated in the response to ISH1.A.16, the Applicants will add a definition of "bank and public holidays" to Article

Number	Subject	Response by	Question/clarification	Applicants' response
			holidays should it include a reference to bank holidays as well and in any event to ensure enforceability does Article 2 need to be amended to define what is meant by a public holiday to ensure that all bank and public holidays are captured?	2 and will review the drafting of requirement 20 to ensure that it is enforceable in light of the new definition to be added.
ISH1.S2.22	Clarification	Applicants	<p>Requirement 22 (1) and (2)</p> <p>Given the use of "or" in 22(1) why is 22(2) necessary, ie why could Work No 26B not be included in 22(1)?</p>	Sub-paragraph (1) relates to the eastern of the two proposed Onshore Converter Stations, whereas sub-paragraph (2) relates to the western of the two. These are split out as the Onshore Converter Stations would come forward separately in an in-isolation or sequential scenario.
ISH1.S2.23	Clarification	Relevant Planning Authority	<p>Requirement 22 (3)</p> <p>As currently drafted, this would only require the lighting to be implemented as approved. For enforceability should it include a</p>	The Applicants will update this drafting although propose that the suggested "retained" is replaced with "maintained" to avoid any

Number	Subject	Response by	Question/clarification	Applicants' response
			reference to retention and operation ie, "any scheme approved under sub-paragraphs (1) or (2) must be implemented, and thereafter operated and retained in accordance with the approved details "? If not, why not?	implication of permanence in the Draft DCO [APP-027].
ISH1.S2.24	Clarification	Applicants	<p>Requirement 23 (2)</p> <p>As with Requirements 17 and 18, as currently drafted this would require the Undertaker as opposed to the discharging authority to undertake consultation with the relevant statutory historic body.</p> <ol style="list-style-type: none"> 1. Please explain the reason for using the current drafting. 2. Explain how the discharging authority could be confident that the details submitted reflect/ address any comments/ concerns raised in the pre-submission consultation. 	1 – 2. This drafting is based on recently precedented drafting (for example within the Hornsea Four Offshore Wind Farm Order 2023 and the Sheringham Shoal and Dudgeon Extensions DCO). The Applicants note that neither the relevant planning authority nor the SNCBs have raised any concerns with this drafting and therefore do not propose to amend it. It will be for the discharging authority to satisfy itself that the consultation requirements under the

Number	Subject	Response by	Question/clarification	Applicants' response
			<p>3. As currently drafted the Requirement would appear to infer that either the Requirement would need to be discharged, or a European protected species licence be granted. As a European protected species licence is a legislative requirement it would need to be obtained in addition to the Requirement being discharged. Please redraft to make this clear.</p>	<p>requirement have been complied with prior to discharge of the requirement.</p> <p>3. The intention of sub-paragraph (2) is that a scheme of protection and mitigation measures would not be required to be submitted and approved where an EPS licence is required and has been granted. The Applicants will amend the Draft DCO [APP-027] to make this clear.</p>
ISH1.S2.25	Clarification	Applicants	<p>Requirement 26</p> <p>As currently drafted, this Requirement appears to indicate that multiple skills and employment strategies would need to be submitted. However, the outline skills and employment strategy [APP-230] seems to refer to one overall strategy. Can you:</p>	<p>1-2. Although the Outline Skills and Employment Strategy [APP-230] does not refer to multiple documents, the current DCO drafting allows for it to be discharged in phases. This would allow flexibility should the work be</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			<ol style="list-style-type: none"> 1. Confirm if the intention is for one or multiple strategy's to be submitted? 2. If the intention is for one strategy, then redraft the requirement to reflect this. 3. The title refers to local skills and employment, however, the outline document is called the skills and employment strategy. Please amend the title to reflect that the Requirement relates to the skills and employment strategy. 	<p>procured in a number of work different work packages. Therefore, it is possible that there may be more than one strategy.</p> <p>3. The Applicants will update this drafting in the Draft DCO [APP-027].</p>
ISH1.S2.26	Clarification	Applicants	<p>Requirement 29 (1)</p> <p>As currently drafted a scheme for remedial action in relation to ground contamination would only need to be submitted where it was likely to cause "significant harm". As significant harm is not defined, how would this drafting meet the tests of precision and enforceability?</p>	<p>This drafting is in broadly the same terms as equivalent requirements in the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, the Hornsea Two Offshore Wind Farm Order 2016, the Hornsea Three Offshore Wind Farm Order 2020, and the Hornsea Four Offshore Wind Farm</p>

Number	Subject	Response by	Question/clarification	Applicants' response
				<p>Order 2023. Those Orders did not include a definition of significant harm. It can be presumed that the Secretary of State when making those Orders was satisfied that the drafting was appropriate and the Applicants therefore do not propose to include the proposed definition.</p>
ISH1.S2.27	Clarification	Applicants	<p>Requirement 32 (1)</p> <p>Should the word "relevant" be inserted in front of statutory nature conservation body?</p>	<p>Yes, the Applicants will update this in the Draft DCO [APP-027].</p>
ISH1.S2.28	Drafting	Applicants	<p>Requirement 35</p> <p>1. Why does this Requirement use (a) and (b) rather than (1) and (2) as has been used for all other Requirements?</p> <p>2. For precision, should the drafting of (b) include "when submitting any plan or document</p>	<p>1. This drafting follows Statutory Instrument drafting conventions and it is not proposed to amend it. Where requirements contain a single paragraph it is not necessary for paragraphs to be</p>

Number	Subject	Response by	Question/clarification	Applicants' response
			referred to in sub-paragraph (a) for approval, submit to the relevant discharging authority , any comments duly received...."?	numbered (see, for example, requirement 25). 2. The Applicants will update the drafting of paragraph (b) as suggested.
SCHEDULE 2 – PART 2 – APPROVAL OF MATTERS SPECIFIED IN REQUIREMENTS				
ISH1.S2.29	Drafting	Applicants	Paragraph 2 (1) and (2) Both subparagraph (1) and (2) refer to "a requirement included/ contained in Part 2 of this Schedule", should this actually refer to Part 1? Please review and amend as necessary.	Yes, the Applicants will update this in the Draft DCO [APP-027].
ISH1.S2.30	Drafting	Applicants	Paragraph 2 (1)(a) The end bracket on "such validity to be confirmed by the discharging authority within five days of receipt of the application" is missing. Please amend as necessary.	The Applicants will update this in the Draft DCO [APP-027].

Number	Subject	Response by	Question/clarification	Applicants' response
SCHEDULE 5 – PART 1 – PUBLIC RIGHTS OF WAY TO BE TEMPORARILY CLOSED OR RESTRICTED				
ISH1.S2.31	Clarification	Applicants	<p>Proposed Bridleway in the parishes of Catwick and Leven,</p> <p>The information for the proposed bridleway in the parishes of Catwick and Leven states, "Between reference points 15a and 15b marked with a dashed purple line on sheet 15 of the Public Rights of Way plan". However, the line drawn on 2.11 Public Rights of Way Plan is shown as solid purple line, not dashed. Please check and amend as necessary.</p>	The Applicants will update this in the Draft DCO [APP-027].
SCHEDULES 10, 11, 12, 13 AND 14 – MARINE LICENCES				
The draft DCO includes five schedules that deal with marine licences to avoid repetition unless otherwise stated the comments below relate to all five of these schedules.				
The MMO in its relevant representation [RR-030] provided a very detailed review of the proposed DMLs that are set out in Schedules 10, 11, 12, 13 and 14. As a result the ExA does not intend to repeat the general drafting points made by the MMO and has therefore only highlighted any additional drafting issues/ errors. As a result, the ExA comments on the drafting of the DMLs should be read in conjunction				

Number	Subject	Response by	Question/clarification	Applicants' response
with those raised in [RR-030]. Please note that this does not indicate that the ExA agree with all the points raised by the MMO in relation to the drafting of the DMLs.				
ISH1.DML.01	Drafting	Applicants	<p>Paragraph 1</p> <p>Paragraph 1 provides interpretation for a number of documents which would be certified by the Secretary of State under Article 42 and referenced in Schedule 19.</p> <p>In some of these, the drafting is “means the plans as certified as the..... by the Secretary of State under article 42” and in others the drafting is “means plans as certified as theby the Secretary of State under article 42 (<i>certification of plans and documents etc.</i>)”.</p> <p>For precision and consistency can the drafting be reviewed and amended to “means the plans certified by the Secretary of State as thefor the purposes of this Order under</p>	The Applicants will review the drafting and ensure a consistent approach is adopted in the Draft DCO [APP-027].

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			Article 42 and referenced in Schedule 19".	
ISH1.DML.02	Clarification	Applicants	<p>Paragraph 1 – Offshore accommodation platform</p> <p>Paragraph 1 includes a detailed definition of what is meant by an “offshore accommodation platform”. Beneath this is a definition for “offshore electrical installations” which means offshore collector platforms, offshore convertor platforms and offshore switching platforms. The detailed definitions for these elements can be found in Article 2 of the draft DCO. Should all the detailed definitions be included in Article 1 of the draft DMLs or should the detailed description for offshore accommodation be moved to Article 2 of the draft DCO alongside the other definitions?</p>	The Applicants will review the definitions contained in the DMLs to ensure that they can be read as standalone documents without the need to refer to definitions within Article 2.
ISH1.DML.03	Clarification	Applicants	Condition 1 (1)(d)	Mean Sea Level (MSL) has been used as a datum in

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			<p>The condition refers to mean sea level as the point from which the measurement is taken. Why is mean sea level used rather than lowest astronomical tide (LAT). If LAT was used, would this make a difference to the proposed distance and if so what would this be?</p>	<p>the Environmental Statement for the purpose of considering the minimum lower blade tip clearance and use of this datum will be familiar to key stakeholders. If another datum was used (LAT, HAT or MHWS) then this would result in a change to the proposed distance but the Applicants do not think it is necessary for these differences to be calculated as the approach of using MSL has not been challenged by stakeholders and providing the distance relative to a different datum would not make any difference to the effectiveness of the measure as embedded mitigation. The Applicants note that a variety of different datums have been used across recent offshore wind DCOs and</p>

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				the Applicants are not aware of any reason to favour one approach over another and therefore propose retaining MSL.
ISH1.DML.04	Drafting	Applicants	<p>Condition 7(3)</p> <p>For precision should the drafting "at least four months" be replaced with "no less than four months"? if not why, not?</p>	The Applicants submit that "at least four months" has been accepted by the Secretary of State as being sufficiently precise in recently granted DCOs, such as the Sheringham Shoal and Dudgeon Extensions DCO. No amendments are proposed.
ISH1.DML.05	Drafting	Applicants	<p>Condition 9 (7)</p> <p>To improve precision of the drafting should the condition be amended as follows: "The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details of the vessel routes, timings and locations relating to</p>	The confirmation to the MMO that the notification has taken place is separate to the notification itself and so should be listed separately in the drafting to avoid any confusion. The Applicants do not agree that any amendment is required.

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			<p>the construction of the authorised scheme or relevant part –</p> <p>(a) at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data;</p> <p>(b) on completion of construction of the authorised scheme; and</p> <p>(c) within 5 days of confirmation of the notification to the Kingfisher Information Service of Seafish provide such confirmation to the MMO.”?</p>	
ISH1.DML.o6	Clarification	Applicants	<p>Condition 15 (5) and (6)</p> <p>Both these paragraphs refer to Condition 11 (colouring of structures). Can you confirm that this is the correct condition?</p>	This is a typographical error – the Applicants will amend the Draft DCO [APP-027] accordingly.
SCHEDULE 16 – ARBITRATION RULES				

Number	Subject	Response by	Question/clarification	Applicants' response
ISH1.S16.01	Drafting	Applicants	<p>Paragraph 1 (1)</p> <p>Paragraph 1(1) refers to Article 43 (<i>arbitration</i>). However, should this refer to Article 47 as Article 43 deals with abatement of works abandoned or decayed. Amend as necessary.</p>	The Applicants will review and correct the cross-referencing in the Draft DCO [APP-027].
EXPLANATORY NOTE				
ISH1.EN.01	Drafting	Applicants	<p>Explanatory note</p> <p>The third paragraph refers to Article 41 (<i>Certification of plans and documents, etc.</i>). Article 41 deals with Crown rights. Please amend to refer to Article 42.</p>	The Applicants will review and correct the cross-referencing in the Draft DCO [APP-027].

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